From: BDC Lgoima

To:

Subject: Official Information Request for 167 Queen Street Info (former - Coaltown Museum) Ref: OIA 018/24

Date: Thursday, 14 March 2024 3:32:09 pm
Attachments: Westport Municipal Reserve Act 1875 (3).pdf

NL137 18 Title Historic View.pdf NL5A 980 Title Historic View.pdf NL1G 270 Title Historic View.pdf

Dear

### We refer to your official information request dated 15 February 2024 for 167 Queen Street Info (former - Coaltown Museum).

The information you have requested is attached and marked below:

Council was the owner of the land in question until 2022, having owned the land since 1875. It is important to note that the council(s) have never owned the improvements, or the buildings, located on the land.

A chronology of council land ownership is as follows:

The former Coaltown site at 167 Queen Street is legally described as Lot 4, DP 47 Town of Westport and Lot 1 DP-5947.

The property forms part of what is known as the Municipal Lease land.

In 1875 the Crown granted to the Municipal Council of the Borough of Westport two hundred and forty acres two roods and three perches of land within the Borough.

The intention is in the Westport Municipal Reserve Act 1875 which was the basis of the grant - for council to lease the land to produce on-going income for Council.

NL1G/270 shows the extent of the grant – what was to become Lot 4 DP47 upon subdivision is seen as part of Lot 7 highlighted in yellow roughly where Lot 3 and 4 DP 47 was to be subdivided (Lot 1 DP5947 was a later subdivision of Lot 3).

The Borough of Westport of Westport was amalgamated into Buller District Council in 1989 and land ownership transferred at that time to Buller.

Initially Westport Borough, and then Buller District Council, leased the land. The land was subdivided into smaller sections to individuals/companies, generally on a 21 year lease basis (in perpetuity). These leases are commonly known as municipal leases and the most recent lease transactions related to the certificates of titles are noted below:

- NL137/18 shows two instances of the lease to Morley and Co. being granted and renewed in 1941 (Lot 4 DP 47, lease #2619) and 1961 (Lot 4 DP 47 and Lot 1 DP5947 (part of the now former Lot 3 DP47) renewal of lease #2619 and part of lease #2629 (for Lot 3 DP47 to McNamara in 1941)).
- NL5A/980 the smaller parcel of land Lot 1 DP5947 was also shown as being leased to Morley and Co. in 1961 for 21 years.
- NL 5A/959 shows Lot 4 DP47 now being leased to '(now) Coal Town Trust in renewal of lease #2619' which would indicate that the lease was taken over from Morley and Co. for the remaining period of the original term and then it was renewed in 1982 for a further 21

 NL5A/980 shows that Coal Town Trust was granted a new 21 year lease in 1982 for the smaller parcel Lot 1 DP5947

In 2016 the CoalTown Trust transferred the lease for both Lot 4 DP47 and Lot 1 DP5947 to Allan and Clare Holland. In 2022 the Council sold the two parcels of land to the Hollands. NL5A/959 and NL5A/980 show that the land has been subsequently transferred to RW Westport Limited in February 2023.

Council has endorsed the practice of encouraging the sale of Council municipal leasehold properties for many years. In 2010 Council resolved to offer (for a set period of time) a discount of 20% on the market value for lessees who wanted to purchase the properties over which they held the lease. In March 2017 Council again instigated a 20% discount effective until 30 June 2019. This was repeated in 2019 with expiry 30 June 2021 and again in April 2021 to June 2023. And in May 2023 Council again endorsed the 20% discount offer until 30 June 2024.

If you have any further questions, please do not hesitate to contact me. We have provided copies of the titles we reviewed in preparing the above chronology.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at <a href="https://www.ombudsman.parliament.nz">www.ombudsman.parliament.nz</a> or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to <a href="mailto:lgoima@bdc.govt.nz">lgoima@bdc.govt.nz</a>.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <a href="https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/">https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/</a> with your personal information removed.

#### Kind regards

Douglas Marshall | Chief Financial Officer (Contractor) Mobile 027 458 4157 | Email <u>Douglas.Marshall@bdc.govt.nz</u>

#### Westport Municipal Reserve Act 1875

Public Act 1875 No 45
Date of assent 12 October 1875

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An Act to confirm and render valid a Grant from the Crown of certain Lands in the Province of Nelson to the Mayor Councillors and Citizens of the Town of Westport and their Successors, and to enable the Municipal Council of the Borough of Westport to deal with the said land.

#### **Preamble**

WHEREAS by grant from the Crown, under the hand of His Excellency the Marquis of Normanby, then being the Governor of the Colony of New Zealand, under the Seal of the said Colony, and bearing date the twelfth day of January, one thousand eight hundred and seventy-five, all that parcel of land in the Province of Nelson, in the Colony of New Zealand, containing by admeasurement two hundred and forty acres two roods and three perches, be the same more or less, situated in the Town of Westport, being section numbered one thousand and one on the plan of the said town; bounded on the North-westward (two thousand links) by Pakington Street; on the North-eastward (two thousand six hundred

and fifty links, five thousand five hundred and fifty links, and one thousand nine hundred and ninety links) by Domett Street, on the South-eastward (three thousand eight hundred links) by Daniell Street, and on the South-westward (two thousand and forty links) by Queen Street, (one thousand eight hundred links), by Roebuck Street, and (five thousand five hundred and fifty links, and two thousand six hundred and fifty links) by Derby Street, excepting Brougham Street, and a reserve three chains in width for a line of road and railway, both which street and reserve cross the said section as the same is delineated on the plan drawn in the margin of the said grant, with all the rights and appurtenances thereto belonging, was granted to the Mayor Councillors and Citizens of the Town of Westport and their successors for ever:

The Preamble (part) and section 5, were repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

## BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

#### 1 Short Title

The Short Title of this Act shall be The Westport Municipal Reserve Act, 1875.

#### 2 Municipal reserve vested in Corporation

On and from the twelfth day of January, one thousand eight hundred and seventy-five, the parcel of land described in the hereinbefore in part recited Crown grant shall be and for all purposes whatever shall be taken to have been vested in the said Corporation of the Borough of Westport their successors and assigns for ever, as an endowment for the Borough of Westport.

#### 3 Power to lease not exceeding forty-two years

It shall be lawful for the Council of the Borough of Westport to lease the whole or any part or parts of the said lands to any person or persons for any term of years absolute, not exceeding forty-two years, to take effect in possession and not in reversion at such rent and under and subject to such terms and conditions as the Council shall deem advisable.

#### 4 Rents shall form part of ordinary revenue

The annual rents issues and profits now or hereafter paid or becoming payable in respect of the said lands shall form part of the ordinary revenue of the Council of the Borough of Westport.

#### 5 Power to lay off roads and streets

[Repealed]

The Preamble (part) and section 5, were repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Vol. 48 , Folio 151
Reference: Transfer No.
Order for N/C No. 62582





NEW ZEALANI

#### CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

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ler the hand and seal of the District Land Registrar of the Land Regi	
E MAYOR COUNCILLORS and CITIZENS of the Borough C	of Westrurt hereinafter referred to as "The Corporatio
<u> </u>	
·	ons, encumbrances, liens, and interests as are notified by memorial under wa to take and lay off roads under the provisions of any Act of the General
	is delineated by the plan hereon bordered green be the several
neasurements, a little more or less, that is to say: All that parcel of la	and containing Four (4) acres three (3) roods and thirty-
ve. (35) perches more or less situated in the Boro	ugh of Westrort being Lots 2, 3, 4 and part Lots 1
d 5 Deposited Plan 47, Lots 1 and 2 Deposited Pla	n 3772 and all the land in Deposited Plan 4412 and he
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## RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD

# NEW ZEAL MID

#### **Historical Search Copy**

R.W. Muir Registrar-General of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier NL5A/980

Land Registration District Nelson

**Date Issued** 16 August 1977

**Prior References** 

NL137/18

**Estate** Fee Simple

Area 774 square metres more or less
Legal Description Lot 1 Deposited Plan 5947

Original Registered Owners
The Westport Borough Council

#### **Interests**

241070.1 Lease to The Coal Town Trust Term 21 years from 4.3.1982 - 30.5.1984 at 11.15 am (right of renewal and purchasing clause)

10421895.2 Lease in renewal of Lease 241070.1 Term 21 years from 4 March 2003 (Renewal Clause) CT 750757 issued - 20.7.2016 at 3:04 pm

12365470.1 Departmental dealing correcting registered owner to Westport Borough Council - 31.1.2022 at 7:00 am

12618409.2 Merger of Lease 10421895.2 - 9.12.2022 at 3:57 pm Record of Title 750757 is cancelled

12618409.2 Transfer to Allan Denis Holland and Clare Michelle Holland - 9.12.2022 at 3:57 pm

Fencing Covenant in Transfer 10524247.1 - 12.8.2016 at 1:02 pm

12657082.1 Transfer to RW Westport Limited - 21.2.2023 at 11:56 am

12743692.1 Mortgage to 1769 Funding Ltd - 27.6.2023 at 1:58 pm

12743692.2 Mortgage to Speakman Law Trustee Services No 2 Limited - 27.6.2023 at 1:58 pm

References
Prior C/T 137/18

Transfer No. N/C. Order No. 182384.1



Land and Deeds 69



#### CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 16th day of AUGUST. one thousand nine hundred and SEVENTYSEVEN under the seal of the District Land Registrar of the Land Registration District of NELSON

WITNESSETH that THE MAYOR COUNCILLORS AND CITIZENS OF THE BOROUGH OF WESTPORT

is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 774 square metros

more or less situated in the Borough of Westport being Lot 1 Deposited Plan 5947.

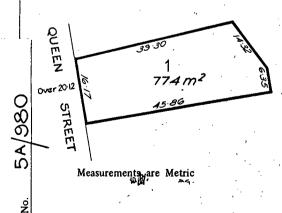


77753 Lease in part renewal of Lease 2629 to Morley & Co. (Westport) Limited.
Term 21 years from 4.3.1961 with right of renewal - 17.3.1961 at 2.53 o'c.
C.T.171/52(L/H).

D.L.R.

241070.1 Lease to The Coal Town Trust.
Term 21 years from 4.3.1982 with right
of renewal - 30.5.1984 at 11.15 o'c.

surchasing clause) AULL A.L.





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